

SENATE AMENDMENTS

2nd Printing

By: Moody

H.B. No. 1606

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offenses of harassment and stalking.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 42.07(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if, with intent to harass, ~~[annoy, alarm,]~~ abuse, or torment ~~[, or embarrass]~~ another, the person ~~[he]~~:

(1) initiates communication ~~[by telephone, in writing, or by electronic communication]~~ and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;

(2) threatens, ~~[by telephone, in writing, or by electronic communication,]~~ in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's ~~[his]~~ family or household, or the person's ~~[his]~~ property;

(3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;

(4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a

1 manner reasonably likely to harass, [~~annoy, alarm,~~] abuse, or
2 torment [~~, embarrass, or offend~~] another;

3 (5) makes a telephone call and intentionally fails to
4 hang up or disengage the connection;

5 (6) knowingly permits a telephone under the person's
6 control to be used by another to commit an offense under this
7 section; or

8 (7) sends repeated electronic communications in a
9 manner reasonably likely to harass, [~~annoy, alarm,~~] abuse, or
10 torment [~~, embarrass, or offend~~] another.

11 SECTION 2. Sections 42.072(a) and (d), Penal Code, are
12 amended to read as follows:

13 (a) A person commits an offense if the person, on more than
14 one occasion and pursuant to the same scheme or course of conduct
15 that is directed specifically at another person, knowingly engages
16 in conduct that:

17 (1) constitutes an offense under Section 42.07, or
18 that the actor knows or reasonably should know [~~believes~~] the other
19 person will regard as threatening:

20 (A) bodily injury or death for the other person;

21 (B) bodily injury or death for a member of the
22 other person's family or household or for an individual with whom
23 the other person has a dating relationship; or

24 (C) that an offense will be committed against the
25 other person's property;

26 (2) causes the other person, a member of the other
27 person's family or household, or an individual with whom the other

1 person has a dating relationship to be placed in fear of bodily
2 injury or death or in fear that an offense will be committed against
3 the other person's property, or to feel harassed, abused, or
4 tormented; and

5 (3) would cause a reasonable person to [~~fear~~]:

6 (A) fear bodily injury or death for himself or
7 herself;

8 (B) fear bodily injury or death for a member of
9 the person's family or household or for an individual with whom the
10 person has a dating relationship; [~~or~~]

11 (C) fear that an offense will be committed
12 against the person's property; or

13 (D) feel harassed, abused, or tormented.

14 (d) In this section:

15 (1) "Dating [~~,"~~ "dating] relationship," "family,"
16 "household," and "member of a household" have the meanings assigned
17 by Chapter 71, Family Code.

18 (2) "Property" includes a pet, companion animal, or
19 assistance animal, as defined by Section 121.002, Human Resources
20 Code.

21 SECTION 3. The change in law made by this Act applies only
22 to an offense committed on or after the effective date of this Act.
23 An offense committed before the effective date of this Act is
24 governed by the law in effect on the date the offense was committed,
25 and the former law is continued in effect for that purpose. For
26 purposes of this section, an offense was committed before the
27 effective date of this Act if any element of the offense occurred

1 before that date.

2 SECTION 4. This Act takes effect September 1, 2013.

ADOPTED

MAY 22 2013

Henry B. ...
Secretary of the Senate

...B. No. ...

By: Joan Huffman

Substitute the following for H.B. No. 1606:

By: Carina

C.S. H.B. No. 1606

Joan Huffman

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12 communication makes a comment, request, suggestion, or proposal
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16 the person receiving the threat, to inflict bodily injury on the
17 person or to commit a felony against the person, a member of the
18 person's [~~his~~] family or household, or the person's [~~his~~] property;

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20 the person receiving the report, a false report, which is known by
21 the conveyor to be false, that another person has suffered death or
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19 person will regard as threatening:

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22 other person's family or household or for an individual with whom
23 the other person has a dating relationship; or

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25 other person's property;

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27 person's family or household, or an individual with whom the other

1 person has a dating relationship to be placed in fear of bodily
2 injury or death or in fear that an offense will be committed against
3 the other person's property, or to feel harassed, annoyed, alarmed,
4 abused, tormented, embarrassed, or offended; and

5 (3) would cause a reasonable person to [~~fear~~]:

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25 governed by the law in effect on the date the offense was committed,
26 and the former law is continued in effect for that purpose. For
27 purposes of this section, an offense was committed before the

1 effective date of this Act if any element of the offense occurred
2 before that date.

3 SECTION 4. This Act takes effect September 1, 2013.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 23, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1606 by Moody (Relating to the prosecution of the offenses of harassment and stalking.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code as it relates the offenses of harassment and stalking. The bill removes the specific types of communication forbidden and the specific manner in which someone may be threatened from the definition of the offense. The bill also broadens the definition of stalking by adding repeated certain conduct that constitutes harassment as possible elements of this offense.

The offense of harassment is punishable by a Class B or A misdemeanor, depending on the circumstances. The offense of stalking is punishable as a third degree felony or a second degree felony, depending upon the circumstances. The bill broadens the definition of harassment and stalking. Broadening the definition of any criminal offense is expected to increase demands on state and/or county correctional agency resources due to longer terms of community supervision, county jail confinement, state correctional institution confinement, and/or parole. However, in the case of the bill, it is assumed that the number of offenders supervised or incarcerated under this statute would not significantly impact state correctional agencies' workload and programs.

Local Government Impact

Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue from fines imposed and collected is not anticipated to have a significant fiscal impact.

Source Agencies:

LBB Staff: UP, SD, ESi, GG, JPo, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 17, 2013

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1606 by Moody (Relating to the prosecution of the offenses of harassment and stalking.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code as it relates the offenses of harassment and stalking. The bill removes the specific types of communication forbidden and the specific manner in which someone may be threatened from the definition of the offense. The bill also broadens the definition of stalking by adding repeated certain conduct that constitutes harassment as possible elements of this offense.

The offense of harassment is punishable by a Class B or A misdemeanor, depending on the circumstances. The offense of stalking is punishable as a third degree felony or a second degree felony, depending upon the circumstances. The bill broadens the definition of harassment and stalking. Broadening the definition of any criminal offense is expected to increase demands on state and/or county correctional agency resources due to longer terms of community supervision, county jail confinement, state correctional institution confinement, and/or parole. However, in the case of the bill, it is assumed that the number of offenders supervised or incarcerated under this statute would not significantly impact state correctional agencies' workload and programs.

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Source Agencies:

LBB Staff: UP, ESi, GG, JPo, KKR

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 15, 2013

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1606 by Moody (Relating to the prosecution of the offenses of harassment and stalking.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code as it relates the offenses of harassment and stalking. Under the bill the words annoy, alarm, embarrass, and offend would be removed from the definition of harassment. The bill also removes the specific types of communication forbidden and the specific manner in which someone may be threatened from the definition of this offense. The bill also broadens the definition of stalking by adding repeated conduct that constitutes harassment as well as abused or tormented as possible elements of this offense.

The offense of harassment is punishable by a Class B or A misdemeanor, depending on the circumstances. The offense of stalking is punishable as a third degree felony or a second degree felony, depending upon the circumstances. The bill broadens the definition of harassment and stalking. Broadening the definition of any criminal offense is expected to increase demands on state and/or county correctional agency resources due to longer terms of community supervision, county jail confinement, state correctional institution confinement, and/or parole. However, in the case of the bill, it is assumed that the number of offenders supervised or incarcerated under this statute would not significantly impact state correctional agencies' workload and programs.

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LBB Staff: UP, ESj, GG, JPo, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 1, 2013

TO: Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1606 by Moody (Relating to the prosecution of the offenses of harassment and stalking.), **As Introduced**

No significant fiscal implication to the State is anticipated.

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LBB Staff: UP, ESi, GG, JPo, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

83RD LEGISLATIVE REGULAR SESSION

May 17, 2013

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1606 by Moody (Relating to the prosecution of the offenses of harassment and stalking.), **Committee Report 2nd House, Substituted**

The bill would amend the Penal Code as it relates the offenses of harassment and stalking. The bill removes the specific types of communication forbidden and the specific manner in which someone may be threatened from the definition of the offense. The bill also broadens the definition of stalking by adding repeated certain conduct that constitutes harassment as possible elements of this offense.

The offense of harassment is punishable by a Class B or A misdemeanor, depending on the circumstances. The offense of stalking is punishable as a third degree felony or a second degree felony, depending upon the circumstances.

A Class B misdemeanor is punishable by confinement in county jail for a term not to exceed 180 days and/or a fine not to exceed \$2,000. A Class A misdemeanor is punishable by confinement in county jail for a term not to exceed one year and/or a fine not to exceed \$4,000. A third degree felony is punishable by confinement in prison for a term of two to ten years and, in addition to confinement, an optional fine not to exceed \$10,000. A second degree felony is punishable by confinement in prison for a term of two to twenty years and, in addition to confinement, an optional fine not to exceed \$10,000.

The bill's provisions broaden the definition for the offenses of harassment and stalking. This change is expected to increase demands on state correctional resources by increasing the number of offenders eligible for confinement in state correctional facilities.

However, it is assumed that the number of offenders supervised or incarcerated under this statute would not significantly impact state correctional agency resources. In fiscal year 2012, there were 1,806 arrests and 545 community supervision placements for the offense of harassment. In fiscal year 2012, there were 321 arrests, 106 community supervision placements, and 43 admissions to prison for the offense of stalking.

Source Agencies:

LBB Staff: UP, ESi, GG, JPo

**LEGISLATIVE BUDGET BOARD
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LBB Staff: UP, GG, JPo

LEGISLATIVE BUDGET BOARD
Austin, Texas

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83RD LEGISLATIVE REGULAR SESSION

April 1, 2013

TO: Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

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